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SCHERING-PLOUGH CORPORATION
PATENT DEPARTMENT (K-6-1, 1990)
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KENILWORTH NJ 07033-0530

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OFFICE OF PETITIONS

In re Application of	:	
Kosoglou et al.	:	
Application No. 10/057,339	:	ON PETITION
Filed: 25 January, 2002	:	
Attorney's Docket No. CV01490K	:	

This is a decision on the petition filed on 10 April, 2002, requesting that the above-identified application be accorded a filing date of 25 January, 2002, with Page 74 of the specification as a part of the original disclosure.

The petition is granted.

The application was filed on 25 January, 2002. However, on 19 March, 2002, Initial Patent Examination Division mailed a "Notice" stating that the application had been accorded a filing date but that Page 74 of the specification (description and claims) appeared to have been omitted.

In response, on 10 April, 2002, Page 74 of the specification, and the present petition were filed. Petitioners argue that Page 74 was filed with the other application papers on 25 January, 2002, but were subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an Office date stamp of 25 January, 2002, and the above-identified application number, and identifies the application by the first named's inventor's name, invention title, and attorney docket number, and acknowledges receipt of, *inter alia*, 78 pages of specification, 26 pages of claims, 1 page(s) of abstract. Petitioners request that the application, including Page 74 of the specification, be accorded a filing date of 25 January, 2002.

A review of the record reveals that no Page 74 of the specification has been located among the application papers deposited on 25 January, 2002. However, the evidence is convincing that the application papers deposited on 25 January, 2002, included Page 74 of the specification, which was subsequently misplaced in the Office. Therefore, the application, including Page 74 of the specification, is entitled to a filing date of 25 January, 2002.

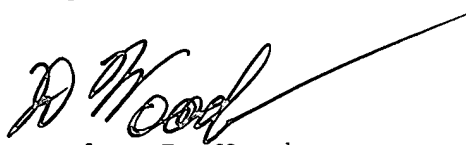
The "Notice" mailed on 19 March, 2002, is vacated.

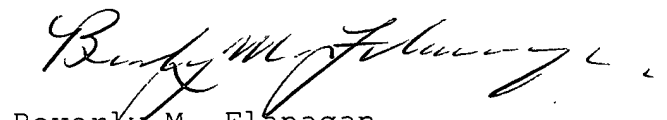
In view of the above, the petition is granted. The petition fee of \$130.00 will be refunded to counsel's deposit account, No. 19-0365.

The application will be processed and examined using the copy of Page 74 supplied on 10 April, 2002.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 25 January, 2002, using the application papers filed on 25 January, 2002, and the copy of Page 74 supplied on 10 April, 2002.

Telephone inquiries should be directed to Petitions Attorney Douglas I. Wood at 703 308-6918.


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